

Michael J. Bowe  
(admitted *pro hac vice*)  
mbowe@brownrudnick.com  
Lauren Tabaksblat  
(admitted *pro hac vice*)  
ltabaksblat@brownrudnick.com  
**BROWN RUDNICK LLP**  
7 Times Square  
New York, NY 10036  
Telephone : (212) 209-4800  
Facsimile : (212) 209-4801

*Attorneys for Plaintiffs*

David M. Stein (State Bar # 198256)  
dstein@olsonstein.com  
**OLSON STEIN LLP**  
240 Nice Lane # 301  
Newport Beach, CA 92663  
Phone: (949) 887-4600

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

K.A.,

Plaintiff,

vs.

MINDGEEK S.A.R.L., et al.,

Defendants.

CASE NO. 2:24-cv-04786-WLH-ADS

JUDGE: HON. WESLEY L. HSU

**DECLARATION OF MICHAEL J.  
BOWE IN SUPPORT OF  
PLAINTIFFS' OMNIBUS  
OPPOSITION TO DEFENDANTS'  
MOTIONS TO DISMISS**

Date: JANUARY 31, 2025

Time: 1:30 PM

Courtroom: 9B

COMPLAINT FILED: June 7, 2024

**DECLARATION OF MICHAEL J. BOWE**

I, Michael J. Bowe, declare as follows:

1. I am an attorney licensed to practice law in the State of New York and a partner with Brown Rudnick LLP. I have been admitted *pro hac vice* to practice before this Court. I am counsel for Plaintiff K.A. in the above referenced matter. I am also counsel for each of Plaintiffs in the additional thirteen (13) related lawsuits before this Court. *See* ECF No. 52, Ex. 1.

2. I submit this declaration in support of Plaintiffs' Omnibus Opposition to Defendants' Motions to Dismiss. *See* ECF No. 54 (granting joint stipulation for limited coordination). I have personal knowledge of the facts stated herein, and if called as a witness, I could and would competently testify thereto.

3. Attached hereto as Exhibit 1 are excerpts from the June 1, 2023 Andreou Deposition Transcript, which has been designated as Confidential pursuant to the Amended Stipulated Protective Order in *Fleites v. MindGeek S.a.r.l. et al.*, Case No. 21-cv-04920-WLH-ADS (ECF No. 490, "Stipulated Protective Order").

4. Attached hereto as Exhibit 2 are excerpts from the Canadian testimony and written submission of Defendants Antoon and Tassillo, dated February 5, 2021 (Evidence – ETHI (43-2) - No. 19).

5. Attached hereto as Exhibit 3 are excerpts from the June 14, 2023 Antoon Deposition Transcript, which has been designated as Confidential pursuant to the Stipulated Protective Order.

6. Attached hereto as Exhibit 4 are excerpts from the June 15, 2023 Bergmair Deposition Transcript, which has been designated as Confidential pursuant to the Stipulated Protective Order.

7. Attached hereto as Exhibit 5 are excerpts from the June 16, 2023 Tassillo Deposition Transcript. which has been designated as Confidential pursuant to the Stipulated Protective Order.



1 14. Attached hereto as Exhibit 12 is a true and correct copy of the Share  
2 Pledge Agreement, dated March 16, 2023 (produced as Tassillo\_Fleites\_00000914).  
3 The Defendants have designated this document as Highly Confidential.T\_00

4 15. Attached hereto as Exhibit 13 is a true and correct copy of an Excel  
5 spreadsheet for MG Premium Ltd.'s List of suppliers with expenses of \$500,000 and  
6 more expensed in Website operating expenses and Other operating expenses and all  
7 payments made to these suppliers during the same year, and list of all companies  
8 under management deals (expenses going to Website operating expenses) and all  
9 payments made to these companies (produced as MindGeek\_Fleites\_00097925).  
10 The MindGeek Defendants have designated this document as Highly Confidential  
11 and Attorneys' Eyes Only.

12 16. Attached hereto as Exhibit 14 is a true and correct copy of an Excel  
13 spreadsheet for MG Freesites Ltd.'s List of suppliers with expenses of \$500,000 and  
14 more expensed in Website operating expenses and Other operating expenses and all  
15 payments made to these suppliers during the same year (produced as  
16 MindGeek\_Fleites\_00097926). The MindGeek Defendants have designated this  
17 document as Highly Confidential and Attorneys' Eyes Only.

18 17. Attached hereto as Exhibit 15 is a true and correct copy of MindGeek  
19 S.a.r.l.'s May 2014 Confidential Information Memorandum (produced as  
20 MindGeek\_Fleites\_00008664). The MindGeek Defendants have designated  
21 MindGeek S.a.r.l.'s May 2014 Confidential Information Memorandum as Highly  
22 Confidential and Attorneys' Eyes Only pursuant to the Stipulated Protective Order.

23 18. Attached hereto as Exhibit 16 is a true and correct copy of an Excel  
24 spreadsheet containing MG Freesites Ltd.'s List of Suppliers with expenses of  
25 \$500,000 and more expenses in Website operating expenses and other operating  
26 expenses and all payments made to these suppliers during the year of 2020  
27 (produced as MindGeek\_Fleites\_00098687). The MindGeek Defendants have

1 designated this document as Highly Confidential and Attorneys' Eyes Only.

2 19. Attached hereto as Exhibit 17 is a true and correct copy of an Excel  
3 spreadsheet containing MG Premium Ltd.'s List of Suppliers with expenses of  
4 \$500,000 and more expenses in Website operating expenses and other operating  
5 expenses and all payments made to these suppliers during the same year, and list of  
6 all companies under management deals (expenses going to Website operating  
7 expenses) and all payments made to these companies (produced as  
8 MindGeek\_Fleites\_00098688). The MindGeek Defendants have designated this  
9 document as Highly Confidential and Attorneys' Eyes Only.

10 20. Attached hereto as Exhibit 18 is a true and correct copy of Defendant  
11 Feras Antoon's Responses and Objections to Plaintiff's First Set of Interrogatories,  
12 dated September 22, 2022. Defendant Feras Antoon has designated the Interrogatory  
13 Responses and Objections as Confidential.

14 21. Attached hereto as Exhibit 19 is a true and correct copy of Defendant  
15 Bernd Bergmair's Responses and Objections to Plaintiff's First Set of  
16 Interrogatories, dated September 22, 2022. Defendant Bernd Bergmair's Second  
17 Supplemental Responses and Objections to Plaintiff's First Set of Interrogatories,  
18 dated June 14, 2023, and Defendant Bernd Bergmair's Responses and Objections to  
19 Plaintiff's Second Set of Interrogatories, dated June 15, 2023. Defendant Bernd  
20 Bergmair has designated the Interrogatory Responses and Objections as  
21 Confidential. Defendant Bernd Bergmair has designated the Interrogatory  
22 Responses and Objections as Confidential.

23 22. Attached hereto as Exhibit 20 is a true and correct copy of emails  
24 between MindGeek Employees (produced as Bergmair\_Fleites\_00000001,  
25 Bergmair\_Fleites\_00000038, Bergmair\_Fleites\_00000041,  
26 Bergmair\_Fleites\_00000101, Bergmair\_Fleites\_00000103,  
27 Bergmair\_Fleites\_00000106, Bergmair\_Fleites\_00000125,

1 Bergmair\_Fleites\_00000128, Bergmair\_Fleites\_00000130,  
2 Bergmair\_Fleites\_00000132, Bergmair\_Fleites\_00000147,  
3 Bergmair\_Fleites\_00000164), a letter from Visa and National Center on Sexual  
4 Exploitation (produced as Bergmair\_Fleites\_00000003), Internal MindGeek Notes;  
5 "The news media" (produced as Bergmair\_Fleites\_00000009), a Draft Letter from  
6 MindGeek addressing concerns raised by VISA (produced as  
7 Bergmair\_Fleites\_00000011), emails between MindGeek Employees and Patreus  
8 (produced as Bergmair\_Fleites\_00000024, Bergmair\_Fleites\_00000084,  
9 Bergmair\_Fleites\_00000088, Bergmair\_Fleites\_00000091,  
10 Bergmair\_Fleites\_00000097, Bergmair\_Fleites\_00000141,  
11 Bergmair\_Fleites\_00000139, Bergmair\_Fleites\_00000144,  
12 Bergmair\_Fleites\_00000152), a letter from MindGeek addressing concerns raised  
13 by VISA to CardWorks Acquiring (Bergmair\_Fleites\_00000025), a letter from  
14 MindGeek to Mastercard (produced as Bergmair\_Fleites\_00000042), a letter from  
15 MG Billing US Corp to Partners addressing allegations (produced as  
16 Bergmair\_Fleites\_00000080), a letter from MindGeek addressing allegations  
17 (produced as Bergmair\_Fleites\_00000085, Bergmair\_Fleites\_00000089,  
18 Bergmair\_Fleites\_00000093), Feras Antoon's contact information (produced as  
19 Bergmair\_Fleites\_00000087, Bergmair\_Fleites\_00000124,  
20 Bergmair\_Fleites\_00000177), emails between MindGeek Employees, Patreus and  
21 Mitchell Silberberg & Knupp LLP (produced as Bergmair\_Fleites\_00000095), a  
22 spreadsheet titled "Guidelines" (produced as Bergmair\_Fleites\_00000099), two  
23 Spreadsheets containing keywords in relation to CSAM (produced as  
24 Bergmair\_Fleites\_00000100), the MindGeek logo (produced as  
25 Bergmair\_Fleites\_00000105), a draft letter from MindGeek addressing concerns  
26 raised by VISA (produced as Bergmair\_Fleites\_00000107), a Teams Meeting Invite  
27 between MindGeek Employees (produced as Bergmair\_Fleites\_00000134), a letter  
28



1 from MindGeek addressing concerns raised by VISA to CardWorks Acquiring  
2 (produced as Bergmair\_Fleites\_00000135), a summary titled as "Partnerships and  
3 government contacts - Summary" (produced as Bergmair\_Fleites\_00000142), a  
4 spreadsheet titled "Black Channels," "Grey Channels" (produced as  
5 Bergmair\_Fleites\_00000150), a spreadsheet titled "Black Channels" (produced as  
6 Bergmair\_Fleites\_00000154, Bergmair\_Fleites\_00000158), a spreadsheet titled  
7 "Grey Channels" (produced as Bergmair\_Fleites\_00000156,  
8 Bergmair\_Fleites\_00000160), Excel Sheets containing keywords (produced as  
9 Bergmair\_Fleites\_00000162), and a letter from MindGeek addressing allegations to  
10 Merrick Bank (produced as Bergmair\_Fleites\_00000165). Defendant Bergmair has  
11 designated these documents as Confidential pursuant to the Stipulated Protective  
12 Order.

13 23. Attached hereto as Exhibit 21 is a true and correct copy of emails  
14 exchanged in 2017 between MindGeek employees with the subject lines "week 2  
15 transition milestones" and "PEI week 2 transition milestones" (produced as  
16 Bergmair\_Fleites\_00000982). Defendant Bergmair has designated these emails as  
17 Confidential pursuant to the Stipulated Protective Order.

18 24. Attached hereto as Exhibit 22 is a true and correct copy of an email  
19 exchanged on May 5, 2017 between MindGeek employees with the subject line  
20 "Revised CIM and Refi Term sheet for Blake's" (produced as  
21 Bergmair\_Fleites\_00000984). Defendant Bergmair has designated this email as  
22 Confidential pursuant to the Stipulated Protective Order.

23 25. Attached hereto as Exhibit 23 is a true and correct copy of emails  
24 exchanged on October 22, 2017 between MindGeek employees with the subject line  
25 "2018 Strategy session-Day 3 Summary\_V3" (produced as  
26 Bergmair\_Fleites\_00001068). Defendant Bergmair has designated these emails as  
27 Confidential pursuant to the Stipulated Protective Order.

26. Attached hereto as Exhibit 24 is a true and correct copy of the document titled MindGeek 2018 - Strategy Brainstorming, Summary and Action Items (produced as Bergmair\_Fleites\_00001069). Defendant Bergmair has designated this document as Highly Confidential and Attorneys' Eyes Only pursuant to the Stipulated Protective Order.

27. Attached hereto as Exhibit 25 is a true and correct copy of emails exchanged in November 2017 between MindGeek employees and Frank Di Rocco (produced as Bergmair\_Fleites\_00001088). Defendant Bergmair has designated these emails as Confidential pursuant to the Stipulated Protective Order.

28. Attached hereto as Exhibit 26 is a true and correct copy of MindGeek S.a.r.l.'s Corporate Overview (produced as Bergmair\_Fleites\_00001098). Defendant Bergmair has designated MindGeek S.a.r.l.'s Corporate Overview as Confidential pursuant to the Stipulated Protective Order.

29. Attached hereto as Exhibit 27 is a true and correct copy of emailed meeting invitation between MindGeek employees with the subject line "Meeting (Bernard, Feras, David, Eddy)," dated January 23, 2018 (produced as Bergmair\_Fleites\_00001133). Defendant Bergmair has designated this email as Confidential pursuant to the Stipulated Protective Order.

30. Attached hereto as Exhibit 28 is a true and correct copy of emailed meeting invitations exchanged between MindGeek employees with the subject line "Spago Beverly Hills," dated January 24, 2018 (produced as Bergmair\_Fleites\_00001134). Defendant Bergmair has designated these emails as Confidential pursuant to the Stipulated Protective Order.

31. Attached hereto as Exhibit 29 is a true and correct copy of emails exchanged between MindGeek employees with the subject line "kink acquisition," dated August 28, 2018 (produced as Bergmair\_Fleites\_00001220). Defendant Bergmair has designated these emails as Confidential pursuant to the Stipulated



1 Protective Order.

2 32. Attached hereto as Exhibit 30 is a true and correct copy of emails  
3 exchanged in early 2019 between MindGeek employees and Google with the subject  
4 line "Google Response to MindGeek RFP for GCP" (produced as  
5 Bergmair\_Fleites\_00001235). Defendant Bergmair has designated these emails as  
6 Confidential pursuant to the Stipulated Protective Order.

7 33. Attached hereto as Exhibit 31 is a true and correct copy of emails  
8 exchanged April 2019 between MindGeek employees with the subject line "Online  
9 Harms White Paper" (produced as Bergmair\_Fleites\_00001263). Defendant  
10 Bergmair has designated these emails as Confidential pursuant to the Stipulated  
11 Protective Order.

12 34. Attached hereto as Exhibit 32 is a true and correct copy of an emailed  
13 meeting invitation exchanged between MindGeek employees with the subject line  
14 "Invitation: HOLD Meeting | MindGeek - Bernard Bergmair, Chairman of t... @ Fri  
15 May 17, 2019 11 am - 11:45 am (PDT) ([REDACTED])" (produced as  
16 Bergmair\_Fleites\_00001346). Defendant Bergmair has designated this email as  
17 Confidential pursuant to the Stipulated Protective Order.

18 35. Attached hereto as Exhibit 33 is a true and correct copy of emails  
19 exchanged in November 2019 between MindGeek employees with the subject line  
20 "Bank pack" (produced as Bergmair\_Fleites\_00001357). Defendant Bergmair has  
21 designated these emails as Confidential pursuant to the Stipulated Protective Order.

22 36. Attached hereto as Exhibit 34 is a true and correct copy of the August  
23 2019 MindGeek S.a.r.l. Management Presentation (produced as  
24 Bergmair\_Fleites\_00001380). Defendant Bergmair has designated the August 2019  
25 MindGeek S.a.r.l. Management Presentation as Highly Confidential and Attorneys'  
26 Eyes Only pursuant to the Stipulated Protective Order.

27 37. Attached hereto as Exhibit 35 is a true and correct copy of emails

28

1 exchanged in April 2020 between MindGeek employees with the subject line  
2 "Project OTHER" (produced as Bergmair\_Fleites\_00001419). Defendant Bergmair  
3 has designated these emails as Confidential pursuant to the Stipulated Protective  
4 Order.

5 38. Attached hereto as Exhibit 36 is a true and correct copy of emails  
6 exchanged between MindGeek employees with the subject line "May 2020 Budget"  
7 (produced as Bergmair\_Fleites\_00001422). Defendant Bergmair has designated  
8 these emails as Confidential pursuant to the Stipulated Protective Order.

9 39. Attached hereto as Exhibit 37 is a true and correct copy of emails  
10 exchanged in May 2020 between MindGeek employees with the subject line  
11 "Mastercard request" (produced as Bergmair\_Fleites\_00001504). Defendant  
12 Bergmair has designated these emails as Confidential pursuant to the Stipulated  
13 Protective Order.

14 40. Attached hereto as Exhibit 38 is a true and correct copy of emails  
15 exchanged in 2020 between MindGeek employees with the subject line "Project  
16 OTHER" (produced as Bergmair\_Fleites\_00001508). Defendant Bergmair has  
17 designated these emails as Confidential pursuant to the Stipulated Protective Order.

18 41. Attached hereto as Exhibit 39 is a true and correct copy of emails  
19 exchanged in 2020 between MindGeek employees with the subject lines "[External]  
20 Upcoming calls" and "FW: Legal Tubes Audit update" (produced as  
21 Bergmair\_Fleites\_00001528). Defendant Bergmair has designated these emails as  
22 Confidential pursuant to the Stipulated Protective Order.

23 42. Attached hereto as Exhibit 40 is a true and correct copy of emails  
24 exchanged in 2017 between MindGeek and Patreus with the subject line "ltr"  
25 (produced as Bergmair\_Fleites\_00002292). Defendant Bergmair has designated  
26 these emails as Confidential pursuant to the Stipulated Protective Order.

27 43. Attached hereto as Exhibit 41 – Intentionally left blank.

28

1 44. Attached hereto as Exhibit 42 is a true and correct copy of a letter from  
2 [REDACTED]  
3 [REDACTED] dividends, dated March 9, 2017 (produced as  
4 Bergmair\_Fleites\_00002294). Defendant Bergmair has designated this letter as  
5 Confidential pursuant to the Stipulated Protective Order.

6 45. Attached hereto as Exhibit 43 is a true and correct copy of a letter from  
7 [REDACTED]  
8 [REDACTED] dated March 9, 2017 (produced as  
9 Bergmair\_Fleites\_00002295). Defendant Bergmair has designated this letter as  
10 Confidential pursuant to the Stipulated Protective Order.

11 46. Attached hereto as Exhibit 44 is a true and correct copy of a letter from  
12 [REDACTED]  
13 [REDACTED] (produced as Bergmair\_Fleites\_00002296). Defendant Bergmair has  
14 produced this letter as Confidential pursuant to the Stipulated Protective Order.

15 47. Attached hereto as Exhibit 45 is a true and correct copy of emails  
16 exchanged between MindGeek and Patreus with the subject line "pmt direction"  
17 (produced as Bergmair\_Fleites\_00002297). Defendant Bergmair has produced these  
18 emails as Confidential pursuant to the Stipulated Protective Order.

19 48. Attached hereto as Exhibit 46 is a true and correct copy of emails  
20 exchanged between MindGeek and Patreus with the subject line "pmt direction"  
21 (produced as Bergmair\_Fleites\_00002298). Defendant Bergmair has produced these  
22 emails as Confidential pursuant to the Stipulated Protective Order.

23 49. Attached hereto as Exhibit 47 – Intentionally left blank.

24 50. Attached hereto as Exhibit 48 is a true and correct copy of a letter from  
25 Somerset Capital Limited to RT Holding S.a.r.l. with the subject line "RE: payment  
26 directions" (produced as Bergmair\_Fleites\_00002300). Defendant Bergmair has  
27 produced this letter as Confidential pursuant to the Stipulated Protective Order.

28

1        51. Attached hereto as Exhibit 49 is a true and correct copy of emails  
2 exchanged between MindGeek and Patreus with the subject line "pmt direction"  
3 (produced as Bergmair\_Fleites\_00002301). Defendant Bergmair has produced  
4 these emails as Confidential pursuant to the Stipulated Protective Order.

5        52. Attached hereto as Exhibit 50 – Intentionally left blank.

6        53. Attached hereto as Exhibit 51 is a true and correct copy of a letter from  
7 [REDACTED] with the subject line "RE: payment  
8 directions" (produced as Bergmair\_Fleites\_00002303). Defendant Bergmair has  
9 produced this letter as Confidential pursuant to the Stipulated Protective Order.

10       54. Attached hereto as Exhibit 52 is a true and correct copy of emails  
11 exchanged between MindGeek and Patreus with the subject line "payment direction"  
12 (produced as Bergmair\_Fleites\_00002304). Defendant Bergmair has produced these  
13 emails as Confidential pursuant to the Stipulated Protective Order.

14       55. Attached hereto as Exhibit 53 is a true and correct copy of a letter from  
15 [REDACTED] with the subject line "RE: payment  
16 directions" (produced as Bergmair\_Fleites\_00002305). Defendant Bergmair has  
17 produced this letter as Confidential pursuant to the Stipulated Protective Order.

18       56. Attached hereto as Exhibit 54 is a true and correct copy of emails  
19 exchanged between MindGeek and Patreus with the subject line "payment direction"  
20 (produced as Bergmair\_Fleites\_00002306). Defendant Bergmair has produced these  
21 emails as Confidential pursuant to the Stipulated Protective Order.

22       57. Attached hereto as Exhibit 55 is a true and correct copy of emails  
23 exchanged between MindGeek and Patreus with the subject line "ltr" (produced as  
24 Bergmair\_Fleites\_00002307). Defendant Bergmair has produced these emails as  
25 Confidential pursuant to the Stipulated Protective Order.

26       58. Attached hereto as Exhibit 56 is a true and correct copy of a letter from  
27 [REDACTED] with the subject line "RE: payment  
28



1 directions" (produced as Bergmair\_Fleites\_00002308). Defendant Bergmair has  
2 produced this letter as Confidential pursuant to the Stipulated Protective Order.

3 59. Attached hereto as Exhibit 57 is a true and correct copy of emails  
4 exchanged between MindGeek and Patreus with the subject line "payment direction"  
5 (produced as Bergmair\_Fleites\_00002309). Defendant Bergmair has produced these  
6 emails as Confidential pursuant to the Stipulated Protective Order.

7 60. Attached hereto as Exhibit 58 is a true and correct copy of emails  
8 exchanged between MindGeek and Patreus with the subject line "ltr" (produced as  
9 Bergmair\_Fleites\_00002311). Defendant Bergmair has produced these emails as  
10 Confidential pursuant to the Stipulated Protective Order.

11 61. Attached hereto as Exhibit 59 is a true and correct copy of a letter from  
12 [REDACTED] with the subject line "RE: payment  
13 directions" (produced as Bergmair\_Fleites\_00002312). Defendant Bergmair has  
14 produced this letter as Confidential pursuant to the Stipulated Protective Order.

15 62. Attached hereto as Exhibit 60 is a true and correct copy of emails  
16 exchanged between MindGeek and Patreus with the subject line "ltr" (produced as  
17 Bergmair\_Fleites\_00002313). Defendant Bergmair has produced these emails as  
18 Confidential pursuant to the Stipulated Protective Order.

19 63. Attached hereto as Exhibit 61 is a true and correct copy of a letter from  
20 [REDACTED] with the subject line "RE: payment  
21 directions" (produced as Bergmair\_Fleites\_00002314). Defendant Bergmair has  
22 produced this letter as Confidential pursuant to the Stipulated Protective Order.

23 64. Attached hereto as Exhibit 62 is a true and correct copy of emails  
24 exchanged between MindGeek and Patreus with the subject line "payment"  
25 (produced as Bergmair\_Fleites\_00002315). Defendant Bergmair has produced these  
26 emails as Confidential pursuant to the Stipulated Protective Order.

27 65. Attached hereto as Exhibit 63 is a true and correct copy of a letter from  
28

1 [REDACTED] with the subject line "RE: payment  
2 directions" (produced as Bergmair\_Fleites\_00002316). Defendant Bergmair has  
3 produced this letter as Confidential pursuant to the Stipulated Protective Order.

4 66. Attached hereto as Exhibit 64 is a true and correct copy of the February  
5 14, 2017 Services Agreement (produced as MindGeek\_Fleites\_00007123),  
6 Termination Agreement (produced as MindGeek\_Fleites\_00007137), February 14,  
7 2017 Server Cost Sharing Agreement (produced as MindGeek\_Fleites\_00007144),  
8 Termination Agreement (produced as MindGeek\_Fleites\_00007148), the January 1,  
9 2016 Services Agreement (produced as MindGeek\_Fleites\_00007155), the January  
10 1, 2019 Services Agreement (produced as MindGeek\_Fleites\_00007164), the  
11 November 1, 2020 Services Agreement (produced as  
12 MindGeek\_Fleites\_00007175), the January 1, 2019 Server Cost Sharing Agreement  
13 (produced as MindGeek\_Fleites\_00007183), and the January 1, 2019 First  
14 Amendment to the Server Cost Sharing Agreement (produced as  
15 MindGeek\_Fleites\_00007186). The MindGeek Defendants have produced these  
16 documents as Confidential pursuant to the Stipulated Protective Order.

17 67. Attached hereto as Exhibit 65 is a true and correct copy of an IP  
18 License Agreement (produced as MindGeek\_Fleites\_00012267). The MindGeek  
19 Defendants have designated this IP License Agreement as Highly Confidential and  
20 Attorneys' Eyes Only pursuant to the Stipulated Protective Order.

21 68. Attached hereto as Exhibit 66 – Intentionally left blank.

22 69. Attached hereto as Exhibit 67 is a true and correct copy of the 2014  
23 MindGeek Group Financial Reporting Package (produced as  
24 MindGeek\_Fleites\_00001578). The MindGeek Defendants have designated this  
25 document as Confidential pursuant to the Stipulated Protective Order.

26 70. Attached hereto as Exhibit 68 is a true and correct copy of the 2015  
27 MindGeek Group Financial Reporting Package (produced as



1 MindGeek\_Fleites\_00001579). The MindGeek Defendants have designated this  
2 document as Confidential pursuant to the Stipulated Protective Order.

3 71. Attached hereto as Exhibit 69 is a true and correct copy of the 2016  
4 MindGeek Group Financial Reporting Package (produced as  
5 MindGeek\_Fleites\_00001580). The MindGeek Defendants have designated this  
6 document as Confidential pursuant to the Stipulated Protective Order.

7 72. Attached hereto as Exhibit 70 is a true and correct copy of the 2017  
8 MindGeek Group Financial Reporting Package (produced as  
9 MindGeek\_Fleites\_00001581). The MindGeek Defendants have designated this  
10 document as Confidential pursuant to the Stipulated Protective Order.

11 73. Attached hereto as Exhibit 71 is a true and correct copy of the 2018  
12 MindGeek Group Financial Reporting Package (produced as  
13 MindGeek\_Fleites\_00001582). The MindGeek Defendants have designated this  
14 document as Confidential pursuant to the Stipulated Protective Order.

15 74. Attached hereto as Exhibit 72 is a true and correct copy of the 2019  
16 MindGeek Group Financial Reporting Package (produced as  
17 MindGeek\_Fleites\_00001583). The MindGeek Defendants have designated this  
18 document as Confidential pursuant to the Stipulated Protective Order.

19 75. Attached hereto as Exhibit 73 is a true and correct copy of the 2020  
20 MindGeek Group Financial Reporting Package (produced as  
21 MindGeek\_Fleites\_00001584). The MindGeek Defendants have designated this  
22 document as Confidential pursuant to the Stipulated Protective Order.

23 76. Attached hereto as Exhibit 74 is a true and correct copy of the 2021  
24 MindGeek Group Financial Reporting Package (produced as  
25 MindGeek\_Fleites\_00001585). The MindGeek Defendants have designated this  
26 document as Confidential pursuant to the Stipulated Protective Order.

27 77. Attached hereto as Exhibit 75 is a true and correct copy of the Further  
28

1 Amended and Restated Executive Employment Agreement of March 22, 2018  
2 between 9129-1568 Quebec Inc. and Feras Antoon (produced as  
3 MindGeek\_Fleites\_00000020). The MindGeek Defendants have designated this  
4 document as Confidential pursuant to the Stipulated Protective Order.

5 78. Attached hereto as Exhibit 76 is a true and correct copy of the Further  
6 Amended and Restated Executive Employment Agreement between 9219-1568  
7 Quebec Inc. and David Tassillo (produced as MindGeek\_Fleites\_00000042). The  
8 MindGeek Defendants have designated this document as Confidential pursuant to  
9 the Stipulated Protective Order.

10 79. Attached hereto as Exhibit 77 is a true and correct copy of email  
11 exchanges between MindGeek, PolleyFaith, and Pornhub with the subject line "RE:  
12 Inquiries from UK" (produced as Bergmair\_Fleites\_00002008). Defendant  
13 Bergmair has designated these emails as Confidential pursuant to the Stipulated  
14 Protective Order.

15 80. Attached hereto as Exhibit 78 – Intentionally left blank.

16 81. Attached hereto as Exhibit 79 – Intentionally left blank.

17 82. Attached hereto as Exhibit 80 – Intentionally left blank.

18 83. Attached hereto as Exhibit 81 – Intentionally left blank.

19 84. Attached hereto as Exhibit 82 – Intentionally left blank.

20 85. Attached hereto as Exhibit 83 is a true and correct copy of emails  
21 exchanged between MindGeek and Patreus with the subject line "ltr" (produced as  
22 Bergmair\_Fleites\_00002328). Defendant Bergmair has designated these emails as  
23 Confidential pursuant to the Stipulated Protective Order.

24 86. Attached hereto as Exhibit 84 is a true and correct copy of a letter from  
25 [REDACTED] concerning [REDACTED]  
26 dividends (produced as Bergmair\_Fleites\_00002329). Defendant Bergmair has  
27 designated this letter as Confidential pursuant to the Stipulated Protective Order.

1 87. Attached hereto as Exhibit 85 is a true and correct copy of a letter from  
2 [REDACTED] with the subject line "RE: [REDACTED]  
3 [REDACTED] (produced as Bergmair\_Fleites\_00002330). Defendant  
4 Bergmair has designated this letter as Confidential pursuant to the Stipulated  
5 Protective Order.

6 88. Attached hereto as Exhibit 86 is a true and correct copy of emails  
7 exchanged between MindGeek and Patreus with the subject line "ltr" (produced as  
8 Bergmair\_Fleites\_00002331). Defendant Bergmair has designated these emails as  
9 Confidential pursuant to the Stipulated Protective Order.

10 89. Attached hereto as Exhibit 87 is a true and correct copy of a letter from  
11 [REDACTED] with the subject line "RE: [REDACTED]  
12 [REDACTED] dividends" (produced as Bergmair\_Fleites\_00002332). Defendant  
13 Bergmair has designated this letter as Confidential pursuant to the Stipulated  
14 Protective Order.

15 90. Attached hereto as Exhibit 88 is a true and correct copy of emails  
16 exchanged between MindGeek and Patreus with the subject line "dividends"  
17 (produced as Bergmair\_Fleites\_00002333). Defendant Bergmair has designated  
18 these emails as Confidential pursuant to the Stipulated Protective Order.

19 91. Attached hereto as Exhibit 89 – Intentionally left blank.

20 92. Attached hereto as Exhibit 90 – Intentionally left blank.

21 93. Attached hereto as Exhibit 91 is a true and correct copy of emails  
22 exchanged between MindGeek and Patreus with the subject line "Summary of 2019  
23 details" (produced as Bergmair\_Fleites\_00002449). Defendant Bergmair has  
24 designated these emails as Confidential pursuant to the Stipulated Protective Order.

25 94. Attached hereto as Exhibit 92 – Intentionally left blank.

26 95. Attached hereto as Exhibit 93 is a true and correct copy of emails  
27 exchanged between MindGeek and Patreus with the subject line "Re: div history"  
28

(produced as Bergmair\_Fleites\_00002456). Defendant Bergmair has designated these emails as Confidential pursuant to the Stipulated Protective Order.

96. Attached hereto as Exhibit 94 is a true and correct copy of Excel Sheet with a Tab named "Shareholder dis from 2014" (produced as Bergmair\_Fleites\_00002458). Defendant Bergmair has designated this document as Confidential pursuant to the Stipulated Protective Order.

97. Attached hereto as Exhibit 95 is a true and correct copy of and emails exchanged between MindGeek and Patreus with the subject line "2019 distributions" (produced as Bergmair\_Fleites\_00002459). Defendant Bergmair has designated these emails as Confidential pursuant to the Stipulated Protective Order.

98. Attached hereto as Exhibit 96 is a true and correct copy of the Excel Sheet with Tabs named "Shareholder dis from 2014", "BB 2019 distributions", and "BB 2020 distributions" (produced as Bergmair\_Fleites\_00002460). Defendant Bergmair has designated this document as Confidential pursuant to the Stipulated Protective Order.

99. Attached hereto as Exhibit 97 is a true and correct copy of MindGeek S.a.r.l. Consolidated Financial Statement, dated December 31, 2019 (produced as Bergmair\_Fleites\_00001429). Defendant Bergmair has designated this document as Confidential pursuant to the Stipulated Protective Order.

100. Attached hereto as Exhibit 98 are excerpts from the Transcript of the July 19, 2024 Summary Judgment Hearing for *Jane Doe v. MindGeek USA et al.*, Case No. 8:21-cv-00338-WLH-ADS (Dkt. 370).

101. Attached hereto as Exhibit 99 is a true and correct copy of the Hosting Agreement Between [REDACTED] (produced as MindGeek\_Fleites\_00030407). The MindGeek Defendants have designated this Agreement as Highly Confidential and Attorneys' Eyes Only pursuant to the Stipulated Protective Order.

1           102. Attached hereto as Exhibit 100 is a true and correct copy of an excel  
2 titled “LIPI Expenses Allocation” for 2019 (produced as  
3 MindGeek\_Fleites\_00066311). The MindGeek Defendants have designated this  
4 document as Confidential pursuant to the Stipulated Protective Order.

5           103. Attached hereto as Exhibit 101 is a true and correct copy of an excel  
6 titled “LIPI Expenses Allocation” for 2014 (produced as  
7 MindGeek\_Fleites\_00067772). The MindGeek Defendants have designated this  
8 document as Confidential pursuant to the Stipulated Protective Order.

9           104. Attached hereto as Exhibit 102 is a true and correct copy of an excel  
10 titled “LIPI Expenses Allocation” for 2015 produced as  
11 MindGeek\_Fleites\_00067773). The MindGeek Defendants have designated this  
12 document as Confidential pursuant to the Stipulated Protective Order.

13           105. Attached hereto as Exhibit 103 is a true and correct copy of an excel  
14 titled “LIPI Expenses Allocation” for 2016 (produced as  
15 MindGeek\_Fleites\_00067774). The MindGeek Defendants have designated this  
16 document as Confidential pursuant to the Stipulated Protective Order.

17           106. Attached hereto as Exhibit 104 is a true and correct copy of an excel  
18 titled “LIPI Expenses Allocation” for 2017 (produced as  
19 MindGeek\_Fleites\_00067775). The MindGeek Defendants have designated this  
20 document as Confidential pursuant to the Stipulated Protective Order.

21           107. Attached hereto as Exhibit 105 is a true and correct copy of an excel  
22 titled “LIPI Expenses Allocation” for 2018 (produced as  
23 MindGeek\_Fleites\_00067776). The MindGeek Defendants have designated this  
24 document as Confidential pursuant to the Stipulated Protective Order.

25           108. Attached hereto as Exhibit 106 is a true and correct copy of an excel  
26 titled “LIPI Expenses Allocation” for 2020 (produced as  
27 MindGeek\_Fleites\_00067777). The MindGeek Defendants have designated this  
28



1 document as Confidential pursuant to the Stipulated Protective Order.

2 109. Attached hereto as Exhibit 107 is a true and correct copy of the  
3 MindGeek Entities' Shareholders' Agreement, dated October 18, 2013 (produced as  
4 MindGeek\_Fleites\_00001814). The MindGeek Defendants have designated this  
5 Agreement as Confidential pursuant to the Stipulated Protective Order.

6  
7 I declare under penalty of perjury under the laws of the United States that the  
8 foregoing is true and correct.

9 Executed this 12th day of December 2024 in New York, New York.

10  
11 BROWN RUDNICK LLP

12 By: /s/ Michael Bowe  
13 Michael J. Bowe  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28